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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/548,026 04/12/00 MATZEN

S 196-1203

EXAMINER

MM91/0829

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ART UNIT

PAPER NUMBER

2855

DATE MAILED:

08/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

BEST AVAILABLE COPY

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Application No.

09/548,026

Applicant(s)

MATZEN

Examiner

DICKENS

Group Art Unit

2855

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4-12-00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 18-35 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 18-35 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 4-12-00 is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "23" and "23" has been used to designate both voltage dividers and resistors (see page 7). Correction is required.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the checking unit must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
5. Claims 18-35 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

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skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not describe in detail a checking unit which produces an error message whenever the time ascertained differs by more than a predetermined difference from a given value, yet this limitation is claimed in combination with other recited claimed limitations.

6. Claims 28-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 28 does not have a transitional phrase.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --


(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.


8. Claims 18-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaertner (US Pat 4,784,000). Gaertner teaches an electromagnetic flowmeter arrangement having a measuring tube 13, a coil arrangement 17 for generating a magnetic field substantially perpendicular to the direction of flow through the

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measuring tube (col. 4, lines 10-16, an electrode arrangement 21 substantially perpendicular to the direction of flow and to the magnetic field (col. 4, lines 16-18), a supply system 19 for the coil arrangement which has a current direction change-over arrangement 25, and a testing device (61, 71), the testing device including means 71, which, after a change-over of the current direction, determines at least one parameter of the rise in the current in the coil arrangement and compares the parameter with a given value and a checking unit which checks to see if the time ascertained differs by more than a predetermined difference from a given value (col. 9, lines 3-45). The steps in the claimed method of claims 18-27 are deemed to be clearly anticipated by the functions of the structure of the apparatus discussed above.

9. Any inquiry concerning this or earlier communications from the examiner should be directed to Charlene Dickens whose telephone number is (703) 305-7047. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center's receptionist whose telephone number is (703) 308-1782. The fax numbers for the Center are (703) 305-3431 and (703) 305-3432.


cd/dickens
August 24, 2001


Benjamin R. Fuller
Supervisory Patent Examiner
Technology Center 2800